

REMARKS

With this Response, claims 1, 12, 22, and 30 are amended. No claims are added or canceled. Therefore, claims 1-36 are pending.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 3, 4, 15, 22 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 6,175,552 of Parry et al. (hereinafter "Parry"). Applicants respectfully submit that these claims are not anticipated by the cited reference for at least the following reasons.

Claim 1 as amended herein recites the following:

A switching module comprising:
a first gateway network element to terminate a synchronous data transmission ring;
a second gateway network element to terminate an additional synchronous data transmission ring;
a central switching core to directly interconnect the first and second gateway network elements; and
a management element to interconnect the first and second gateway network elements with a central management system, the management element to natively communicate with the first and second gateway network elements and the central management system in their respective protocols, the central management system to provide management signals to direct traffic flow on the synchronous data transmission rings.

Claim 12 is directed to a method in a switching module and recites similar limitations directed to first and second gateway network elements to terminate synchronous data transmission rings.

Claims 22 and 30 are likewise independent claims, and although they recite different elements, both claims are directed to an integrated switch and include limitations directed to first and second gateway network elements to terminate synchronous data transmission rings.

Applicants note that in rejecting Applicants' claims, the Office Action relies on multiplexing elements of an optical ring. Although the optical rings of Parry can be understood as synchronous data transmission rings, the ring topologies appear to begin and end the similarities between the reference and Applicants' claims. The cited reference is not effective for rejecting Applicants' claims for any of a number of reasons, a few of which are discussed below.

As a first matter, Applicants' claims 1 and 12 recite "a switching module" having various features. Similarly, Applicants' claims 22 and 30 are directed to various features of "an integrated

switch." It does not appear that the Office Action even acknowledges that the claims are directed to a switching module or an integrated switch. The Office Action fails to Applicants submit that reciting random multiplexing elements of an optical network fails to disclose or suggest the switching module or integrated switch claimed. Although Applicants recognize that the preamble is not always limiting, Applicants submit that the preamble must be considered in evaluating the plain meaning of a claim. See MPEP § 2111.02. The claims must be read in light of the "switching module" and "integrated switch" features presented in the preambles. The Office Action appears to have disregarded the preamble and rejected the claims under a reference that is not applicable when considered in light of the claim as a whole.

Parry discusses a switch that interconnects various rings (see Figure 1), but the switch in Parry is not described in any detail to know whether it has any, much less all, of the features recited in Applicants' claims. Interestingly, the Office Action fails to even cite Parry's switch as support for rejecting Applicants' claims, and instead chose to cite a network ring against Applicants' claims. However, whether or not the Office Action cites Parry's switch, the reference fails to disclose or suggest the invention as claimed. Despite what is asserted on page 2 of the Office Action, Applicants are unable to understand how the recitation of random multiplexing elements of a network ring are purported to disclose or suggest elements of a switching module or integrated switch that are to **terminate** synchronous data transmission rings. As already set out, Parry's switch is not disclosed, and there is no evidence to suggest, and certainly no inherent basis to assume that Parry's switch includes first and second gateway network elements to terminate synchronous data transmission rings, in contrast to what is claimed.

Secondly, at page 2 of the Office Action asserts that "a synchronous ring that incorporates a number of multiplexers (item 21) serving respective ports" is "substantively the same" as Applicants' claimed first gateway network element to terminate a synchronous data transmission ring. As already partially addressed above, a multiplexer fails to disclose or suggest a gateway network element that terminates a synchronous data transmission ring. Applicants submit that the person of skill in the art would understand a distinction between a multiplexer (which routes traffic) and a gateway network element, which is associated with terminating a ring on a switching system, such as at a central office or other switching center. Thus, the multiplexer is interpreted in a manner inconsistent with what would be understood by those skilled in the art.

Lastly, the Office Action cites the switch (item 12) of Parry as disclosing the switching core of Applicants' claims. However, there is no evidence that Parry's switch "directly interconnects" gateway network elements, in contrast to what is claimed. Applicants respectfully submit that Parry fails to disclose or suggest a switching core as recited in Applicants' claims.

For at least the reasons above, Applicants submit that the cited reference fails to disclose or suggest at least one element of the claimed invention, and so fails to support an anticipation rejection of the claims. See MPEP § 2131. The remaining claims are dependent on the independent claims discussed above, and thus necessarily include the limitations of the independent claims from which they depend. The reference necessarily fails to disclose or suggest at least one element of the dependent claims for at least the same reasons it fails to anticipate the independent claims. Thus, these claims are not anticipated by Parry.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 2, 13, 23 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of U.S. Patent Application No. 5,097,469 of Douglas et al. (hereinafter "Douglas").

Claims 5-7, 16, 17, 24, 25 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of U.S. Patent Application No. 7,130,276 of Chen et al. (hereinafter "Chen").

Claims 7 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of Chen, and in further view of U.S. Patent Application No. 6,631,130 of Roy et al. (hereinafter "Roy").

Claims 8-10, 18-20, 26-28 and 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of U.S. Patent Application No. 6,717,953 of Heuer et al. (hereinafter "Heuer").

Claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of Heuer, and in further view of U.S. Patent Application No. 6,778,541 of Houston et al. ("Houston").

Claims 10, 20, 28 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of Heuer, and in further view of U.S. Patent Application No. 6,064,674 of Doidge et al. (hereinafter "Doidge").

Claims 11, 21, 29 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of U.S. Patent Application No. 6,747,982 of Nakatsugawa (hereinafter "Nakatsugawa").

Claims 27, 28, 34 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of Heuer, and in further view of U.S. Patent Application Publication No. 2004/0136389 of Hunneyball (hereinafter "Hunneyball").

Claims 28 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry in view of Heuer, Doidge and Hunneyball.

Applicants acknowledge the effort required to seek out and examine such a lengthy list of references. However, after review of the secondary references, Applicants must necessarily traverse the rejection. None of these references is cited as curing the deficiencies of Parry, and indeed none of the cited references cures the deficiencies of Parry. All the rejections are based on the rejection under Parry, whose deficiencies are discussed above. It does not appear to Applicants that any of the references discusses at least gateway network elements as recited in Applicants' claims, and so fail to include at least one feature of Applicants' claims. Similarly to Parry, each of the secondary references fails to disclose or suggest at least the same feature of Applicants' claims, and so fails to support a rejection of the independent claims. See MPEP § 2143. The references fail to support a rejection of the claims whether alone or in combination, as each reference is similarly defective, which necessarily means that a combination of the references would still be missing at least one feature of the independent claims. Even if one of the references discusses gateway network elements, in and of itself such would not be sufficient to disclose Applicants' claims. The claims can only be rendered obvious if each and every feature of the claimed invention is shown, which Applicants submit is not the case with the cited references. Therefore, per MPEP § 2143.03, these dependent claims, which depend from independent claims that are nonobvious over the cited references, must likewise be nonobvious.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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